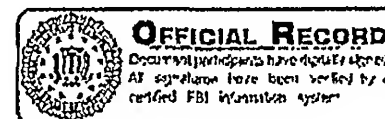


UNCLASSIFIED

**FEDERAL BUREAU OF INVESTIGATION****Electronic Communication**

Title: (U) SHOOTING INCIDENT SAN JUAN DIVISION
10/14/2010

Date: 06/06/2013

To: INSPECTION (Route)

From: INSPECTION

DA-INSPECTION MANAGEMENT UNIT

Contact: [REDACTED]

b6
b7C

Approved By: SHIELDS ROBERT J JR

Drafted By: [REDACTED]

b6
b7C

Case ID #: 297-HQ-A1271921-D (U) SHOOTING INCIDENTS

Synopsis: (U) The Shooting Incident Review Group (SIRG) reviewed a shooting incident that occurred on 10/14/2010, involving Supervisory Special Agent (SSA) [REDACTED] and Special Agent (SA) [REDACTED] of the Critical Incident Response Group (CIRG). During the rescue of a kidnapping victim SSA [REDACTED] fired approximately eight to ten rounds and SA [REDACTED] fired approximately five rounds, resulting in the death of a subject as well as a dog. SIRG members recommended that no administrative action be taken against SSA [REDACTED] and SA [REDACTED] as a result of their involvement in this shooting incident.

b6
b7C

Administrative Notes: (U) Reference Report of Former Inspector Aaron T. Ford, dated 10/21/2010.

Details:

This communication was prepared to furnish the analysis, comments, and recommendations of the SIRG with reference to the captioned shooting.

Detail of the shooting Incident

On 10/08/2010, [REDACTED] a local businessman from a wealthy family in [REDACTED] was kidnapped. José Antonio Ortíz-Albarrán, [REDACTED] and an unknown

b6
b7C

UNCLASSIFIED

UNCLASSIFIED

Title: (U) SHOOTING INCIDENT SAN JUAN DIVISION 10/14/2010
Re: 297-HQ-A1271921-D, 06/06/2013

coconspirator were involved in the kidnapping. [] was held hostage at an unknown location and an initial ransom demand of \$1 million, later reduced to \$250,000, was made. Because Ortiz-Albarran and [] did not wear face coverings there was concern [] may be killed, rather than be released.

b6
b7C

At approximately 4:00 p.m. on 10/12/2010, a secure video teleconference (SVTC) was held between San Juan Special Agent in Charge (SAC) Luis S. Fraticelli, Assistant Special Agent in Charge (ASAC) [] ASAC [] San Juan Special Weapons and Tactics (SWAT) Senior Team Leader (STL) [] Hostage Rescue Team (HRT) Special Agent (SA) [] and (Critical Incident Response Group) CIRG personnel Assistant Director (AD) Robert A. Blecksmith, Deputy Assistant Director (DAD) M. Chris Brieese, HRT Section Chief (SC) James F. Yacone and HRT Assistant Section Chief (ASC) [] A Type B, partial deployment of HRT resources comprised of fewer operators than a full team, was approved by AD Blecksmith during the SVTC. The deployment was to be immediate, with HRT to arrive in San Juan at approximately 12:50 a.m. on 10/13/2010.

b6
b7C

San Juan FBI identified the location where [] was being held hostage at [] [] As part of the investigation, physical surveillance identified a delivery of a Burger King bag to the [] on the afternoon of 10/13/2010. A proof of life call was received later that evening and during the call [] advised he had eaten Burger King for lunch. With this information SAC Fraticelli, was confident the hostage was being held inside the []

b6
b7C

On 10/13/2010, at approximately 11:00 p.m., an Operations Order prepared by HRT personnel was briefed to SAC Fraticelli, which he verbally approved. SAC Fraticelli advised he would not authorize the execution of the Operations Order until he received confirmation the hostage was located inside of [] The original written

b6
b7C

UNCLASSIFIED

UNCLASSIFIED

Title: (U) SHOOTING INCIDENT SAN JUAN DIVISION 10/14/2010

Re: 297-HQ-A1271921-D, 06/06/2013

Operations Order bore the approval signatures of SAC Fraticelli, ASAC [redacted] ASAC [redacted] Chief Division Counsel (CDC) [redacted] and ASC [redacted]

b6
b7C

The Operations Order was briefed to all HRT members, with each respective Team Leader (TL) briefing the members of their team. Approximately half of the San Juan SWAT Team were responsible for effecting the arrest of [redacted] who was expected to be located other than the [redacted] while the other half of the team was to provide rear security during the operation to be undertaken by HRT. During the briefing the deadly force policy was read verbatim.

b6
b7C

After a proof of life call was successfully accomplished, and during which the victim indicated he had eaten Burger King for lunch, SAC Fraticelli directed the Operations Order be executed at approximately 4:00 AM.

ASAC [redacted] served as the On-Scene-Commander. While en route to the scene the Command Post advised ASAC [redacted] that [redacted] was in a Mercedes-Benz, possibly heading towards the [redacted]. Because the rescue operation was imminent, ASAC [redacted] instructed SSA [redacted] [redacted] who was pre-positioned with a Task Force Officer (TFO) at the entrance to the subdivision, to prevent [redacted] from entering. SSA [redacted] directed San Juan SAs to set up a road block on the main road, adjacent to the subdivision entrance. [redacted] rammed the road block, broke through and was pursued. [redacted] was later arrested at another location.

b6
b7C

As HRT members entered the rear yard of a residence adjacent to [redacted] multiple motion sensor lights were activated, and the entire yard was illuminated, making it possible for team members to be seen from [redacted]. As HRT members positioned themselves, and compensated for the activation of the lights, two dogs, which had started barking when the lights were activated, started to become more agitated and aggressive. Suddenly, the dogs stopped barking and retreated towards a door previously identified as the breach point. SSA [redacted] one of the HRT TLs, saw a man, later identified as

b6
b7C

UNCLASSIFIED

UNCLASSIFIED

Title: (U) SHOOTING INCIDENT SAN JUAN DIVISION 10/14/2010
Re: 297-HQ-A1271921-D, 06/06/2013

José Antonio Ortiz-Albarrán, exit the residence. SSA [] saw a handgun in the man's right hand. SSA [] announced the presence of the man over the HRT radio. The man began to slowly move away from the door and appeared to be assessing the area.

b6
b7C

SSA [] knew his team members were at their last point of concealment before moving into position, could be given the command to execute the rescue operation at any moment, and would be in imminent danger if they proceeded. Additionally, SSA [] was cognizant the armed man could not be allowed back inside the residence because he could injure or kill []

b6
b7C

Through his Night Vision Goggles (NVGs), SSA [] could see the laser of his and SA [] Bureau-issued Hecker&Koch (H&K) 416 weapon on the man. In a loud, clear, commanding voice, SSA [] told the man, "Alto, policia," which he knew to mean, "Stop, police," in Spanish. Immediately after SSA [] said, "Alto, policia," the man, who was still moving away from the door, looked in SSA [] and SA [] direction and stretched his head in a forward motion as if he was attempting to see one or both of them better. As SSA [] began to command "Alto, policia" a second time, the armed man raised his handgun from his hip to his chest level. The barrel of the man's handgun was pointed directly towards SSA [] and SA []. Fearing for his personal safety, SSA [] fired his H&K 416 weapon eight to ten times at the man, and ceased shooting when he and SA [] were no longer in imminent danger. SSA [] saw the man fall backwards onto the ground, with his left shoulder lying in a flower bed. The man's handgun fell to the ground and landed a short distance from his right hand. Simultaneous to SSA [] observations and actions, SA [] saw the man and thought the man could see him. SA [] saw the man raise his weapon and point it in his direction. SA [] called out the observation of the man but, due to the short time period to react, SA [] did not issue verbal commands to the man. SA [] fired his H&K 416 approximately five times at the man. The man was approximately 13-14 yards away from SSA [] and SA [] at the time they fired at him.

b6
b7C

UNCLASSIFIED

UNCLASSIFIED

Title: (U) SHOOTING INCIDENT SAN JUAN DIVISION 10/14/2010
Re: 297-HQ-A1271921-D, 06/06/2013

The weapons fire indicated a compromise had occurred and the command, "Execute, execute, execute" was broadcast over the HRT radio channel. Immediately, the explosive breaching charges were initiated and all entry team personnel moved forward toward the [REDACTED]. SSA [REDACTED] held his position and continued to cover the downed man. Out of his peripheral vision, SSA [REDACTED] saw team members moving down the side perimeter wall and along the back side of the residence. As the assaulters reached the corner of the house near the canopy and side door, the larger of the two dogs began barking wildly and aggressively moving toward the assaulters. SSA [REDACTED] believed the dog posed an imminent threat to team members. SSA [REDACTED] used his H&K 416 and fired four to six rounds, striking the dog. Assaulters at the corner of the residence covered the downed man and SSA [REDACTED] and SA [REDACTED] crossed into the rear yard of [REDACTED].

b6
b7C

Entry team members located [REDACTED] and broadcasted "Jackpot" to communicate his safe recovery to other personnel. Entry team members brought [REDACTED] out of the [REDACTED] through the side door. [REDACTED] was attended to by a physician.

b6
b7C

The weapon was moved away from the downed man and he was initially assessed by SSA [REDACTED] a trained Emergency Medical Technician. Once the scene was secured, the man was assessed by the HRT medic, SA [REDACTED]. There was sufficient light for the medical assessment to be conducted and an entry wound to the left side of the man's head could be seen as well as substantial blood in his ear. SSA [REDACTED] informed SA [REDACTED] the man showed no signs of life. SA [REDACTED] checked the man again and determined he had sustained injuries incompatible with life, SA [REDACTED] exited the residence and informed the physician of his observations of the man. The physician agreed no additional medical efforts would be beneficial to the man because of his gunshot wounds and continued to provide medical attention to the hostage, assisted by SA [REDACTED].

b6
b7C

HRT secured the scene and accounted for all personnel. No law enforcement personnel were injured.

UNCLASSIFIED

UNCLASSIFIED

Title: (U) SHOOTING INCIDENT SAN JUAN DIVISION 10/14/2010
Re: 297-HQ-A1271921-D, 06/06/2013

By letter dated 10/19/2011, [REDACTED] District Attorney in Charge, Department of Justice of Puerto Rico (DJPR), advised no criminal charges would be filed against FBI agents SSA [REDACTED] and SA [REDACTED] for the death of José Antonio Ortíz-Albarrán. By letter dated 08/22/2012, the United States Department of Justice, Civil Rights Division, advised a criminal investigation is not warranted in this matter.

b6
b7C

On 11/28/2012, the SIRG met to discuss the above-captioned shooting incident. Former Deputy Assistant Director Cory B. Nelson, Inspection Division (INSD), chaired the meeting and was a non-voting member. The following voting members were in attendance: Former Chief Inspector Eric S. Birnbaum, Office of Inspections (OI), INSD; [REDACTED] Trial Attorney, Criminal Division, United States Department of Justice (USDOJ); [REDACTED] Trial Attorney, Civil Rights Division, USDOJ; Section Chief (SC) Jayne L. Challman, Violent Criminal Threat Section, Criminal Investigative Division; SC Gregory D. Cox, Global Section, Counterintelligence Division; Supervisory Special Agent (SSA) [REDACTED] Squad CR-2, Washington Field Office; SSA [REDACTED] Practical Applications Unit, Training Division (TD); SSA [REDACTED] Investigative Law Unit, Office of the General Counsel; SSA [REDACTED] Evidence Response Team, Laboratory Division; SSA [REDACTED] Special Weapons and Tactics (SWAT) Operations Unit; Critical Incident Response Group (CIRG); SSA [REDACTED] Firearms Training Unit, TD; and SSA [REDACTED] Defensive Systems Unit, TD. The following non-voting members were also in attendance: Inspectors [REDACTED] and [REDACTED] OI, INSD; Assistant Inspector [REDACTED] OI, INSD; SSA [REDACTED] INSD; Unit Chief [REDACTED] SWAT Operations Unit, CIRG; [REDACTED] Occupational Safety and Environmental Programs Unit, Facilities and Logistics Services Division; and Management and Program Analyst [REDACTED] Inspection Management Unit, OI, INSD.

b6
b7C

UNCLASSIFIED

UNCLASSIFIED

Title: (U) SHOOTING INCIDENT SAN JUAN DIVISION 10/14/2010
Re: 297-HQ-A1271921-D, 06/06/2013

Observations and Recommendations of the SIRG

The SIRG reviewed the above synopsisized incident with the intent to: (1) evaluate the application of deadly force; (2) provide the Director with an evaluative analysis, observations, and recommendations for corrective actions from an operational standpoint (if any); (3) provide recommendations concerning training and/or safety issues; and (4) provide recommendations for administrative action if deemed necessary.

SIRG members unanimously agreed that the use of deadly force employed by the Agents was justified and in conformance with the FBI's deadly force policy. This discussion resulted in the recommendation that no administrative action be taken against SSA [redacted] and SA [redacted] as a result of their involvement in this shooting incident.

b6
b7C

No other recommendations or observations were made by SIRG members.

◆◆

UNCLASSIFIED

UNCLASSIFIED

FEDERAL BUREAU OF INVESTIGATION

Lead Report

Precedence: Routine
Lead Type: Action
Deadline: 08/22/2013
Lead Number: 1

Date: 06/23/2013.

From: INSPECTION
DA-INSPECTION MANAGEMENT UNIT
Contact: [REDACTED]

b6
b7C

Approved By: SHIELDS ROBERT J JR

Drafted By: [REDACTED]

Case ID #: 297-HQ-A1271921-D (U) SHOOTING INCIDENTS

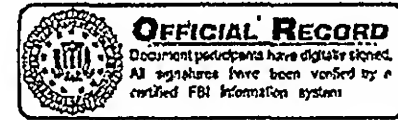
Reference: 297-HQ-A1271921-D Serial 67

Details: (U) That no administrative action be taken against SSA [REDACTED]
[REDACTED] and Special Agent [REDACTED] as a result of
their involvement in this shooting incident.

b6
b7C

UNCLASSIFIED

UNCLASSIFIED



FEDERAL BUREAU OF INVESTIGATION
Electronic Communication

Title: (U) SHOOTING INCIDENT CRITICAL INCIDENT
RESPONSE GROUP 12/02/2010

Date: 06/06/2013

To: DA-INTERNAL INVESTIGATIONS SECTION

From: INSPECTION

DA-INSPECTION MANAGEMENT UNIT

Contact: [REDACTED]

b6
b7C

Approved By: SHIELDS ROBERT J JR

Drafted By: [REDACTED]

Case ID #: 297-HQ-A1271970-D (U) SHOOTING INCIDENTS

Synopsis: (U) The Shooting Incident Review Group (SIRG) reviewed a shooting incident that occurred on 12/02/2010, involving Supervisory Special Agent (SSA) [REDACTED] of the Critical Incident Response Group (CIRG). SSA [REDACTED] accidentally discharged one round from his Bureau-issued Glock, Model 27 pistol while participating in firearms training, injuring his upper right thigh. SIRG members recommended that SSA [REDACTED] be censured, suspended from duty for a period of three days, and receive documented remedial firearms training in regard to this shooting incident.

b6
b7C

Administrative Notes: (U) Reference Electronic Communication of Office Services Specialist [REDACTED] dated 12/06/2010.

b6
b7C

Details:

This communication was prepared to furnish the analysis, comments, and recommendations of the SIRG with reference to the captioned shooting.

Details of the Shooting Incident

On 12/02/2010, at approximately 2:20 p.m., SSA [REDACTED] was participating in the Hostage Rescue Team (HRT) firearms training on the HRT range at Quantico, Virginia. While withdrawing his weapon from

b6
b7C

UNCLASSIFIED

UNCLASSIFIED

Title: (U) SHOOTING INCIDENT CRITICAL INCIDENT RESPONSE GROUP 12/02/2010
Re: 297-HQ-A1271970-D, 06/06/2013

its holster, SSA [] accidentally discharged one round into his upper thigh.

b6
b7C

Immediately following the incident Agents participating in firearms training on the same range began to administer first aid. The CIRG, Tactical Section's Physicians Assistant also responded and provided advanced care.

Following the initial treatment, SSA [] was transported to Mary Washington Hospital in Fredericksburg, Virginia, via Bureau helicopter where he was treated and released the same day.

On 12/03/2010, SSA [] firearm was forwarded to the Defensive Systems Unit, Training Division, for inspection to determine if the weapon was working properly. The inspection of the weapon determined the weapon contained dust and lint; the spring loaded bearing and extractor depressor plunger spring had light rust. The weapon also had unauthorized modifications and/or parts including a Scherer floorplate on the magazine and the rear underside of the trigger guard had been modified. However, examination determined the modifications did not contribute to the accidental discharge.

b6
b7C

On 11/28/2012, the SIRG met to discuss the above-captioned shooting incident. Former Deputy Assistant Director Cory B. Nelson, Inspection Division (INSD), chaired the meeting and was a non-voting member. The following voting members were in attendance: Former Chief Inspector Eric S. Birnbaum, Office of Inspections (OI), INSD; [] Trial Attorney, Criminal Division, United States Department of Justice (USDOJ); [] Trial Attorney, Civil Rights Division, USDOJ; Section Chief (SC) Jayne L. Challman, Violent Criminal Threat Section, Criminal Investigative Division; SC Gregory D. Cox, Global Section, Counterintelligence Division; Supervisory Special Agent (SSA) [] Squad CR-2, Washington Field Office; SSA [] Practical Applications Unit, Training Division (TD); SSA [] Investigative Law Unit, Office of the General Counsel; SSA [] Evidence Response Team, Laboratory Division; SSA [] Special Weapons and Tactics (SWAT)

b6
b7C

UNCLASSIFIED

UNCLASSIFIED

Title: (U) SHOOTING INCIDENT CRITICAL INCIDENT RESPONSE GROUP 12/02/2010
Re: 297-HQ-A1271970-D, 06/06/2013

Operations Unit; Critical Incident Response Group (CIRG); SSA [REDACTED]
[REDACTED] Firearms Training Unit, TD; and SSA [REDACTED]
Defensive Systems Unit, TD. The following non-voting members were also
in attendance: Inspectors [REDACTED]
[REDACTED] OI, INSD; Assistant Inspector
[REDACTED] OI, INSD; SSA [REDACTED] INSD; Unit
Chief [REDACTED] SWAT Operations Unit, CIRG; [REDACTED]
Occupational Safety and Environmental Programs Unit, Facilities and
Logistics Services Division; and Management and Program Analyst [REDACTED]
[REDACTED] Inspection Management Unit, OI, INSD.

b6
b7C

Observations and Recommendations of the SIRG

The SIRG reviewed the above synopsis incident with the intent to: (1) evaluate the application of deadly force; (2) provide the Director with an evaluative analysis, observations, and recommendations for corrective actions from an operational standpoint (if any); (3) provide recommendations concerning training and/or safety issues; and (4) provide recommendations for administrative action if deemed necessary.

SIRG members unanimously recommended that SSA [REDACTED] be censured, suspended from duty for a period of three days, and receive documented remedial firearms training in regard to this shooting incident.

b6
b7C

♦♦

UNCLASSIFIED

UNCLASSIFIED

FEDERAL BUREAU OF INVESTIGATION

Lead Report

Precedence: Routine
Lead Type: Action
Deadline: 08/10/2013
Lead Number: 3

Date: 06/11/2013

From: INSPECTION
DA-INSPECTION MANAGEMENT UNIT
Contact: [REDACTED]

b6
b7C

Approved By: SHIELDS ROBERT J JR

Drafted By: [REDACTED]

Case ID #: 297-HQ-A1271970-D (U) SHOOTING INCIDENTS

Reference: 297-HQ-A1271970-D Serial 69

Details: (U) That SSA [REDACTED] be censured and suspended from duty for a period of three days in regard to this shooting incident. Additionally, the SIRG has instructed the Assistant Director of CIRG to ensure SSA [REDACTED] receives remedial firearms training regarding the proper handling of firearms and to properly document this training.

b6
b7C

UNCLASSIFIED

UNCLASSIFIED

Re: 297-HQ-A1271970-D

Lead: 3, 06/11/2013

Location

To: DA-INTERNAL INVESTIGATIONS SECTION

Recipient: DA-INTERNAL INVESTIGATIONS SECTION

Assignee:

Attn: Section Chief Stuart P. Fronk

Status: Covered

Coverages:

06/11/2013 by

Reference: 297-HQ-A1271970-D Serial 69

(U) Read and cleared.

◆◆

b6
b7C

UNCLASSIFIED

UNCLASSIFIED

FEDERAL BUREAU OF INVESTIGATION

Precedence: ROUTINE

Date: 07/19/2012

To: Inspection

Attn: AD Keith L. Bennett

From: Inspection

Office of Inspections

Contact: [REDACTED]

b6
b7C

Approved By: Bennett Keith L. ¹²⁵

[REDACTED]

Drafted By:

[REDACTED]

Case ID #: 297-HQ-A1271749-D

Title: SHOOTING INCIDENT
MILWAUKEE DIVISION
02/03/2011

Synopsis: The Shooting Incident Review Group (SIRG) reviewed a shooting incident that occurred on 02/03/2011, involving Special Agent (SA) [REDACTED] of the Milwaukee Division. While conducting a vehicle stop, SA [REDACTED] fired one round from his Bureau-issued Glock Model 22, .40 caliber pistol, striking the non-complaint subject in the right thumb. SIRG members unanimously recommended that no administrative action be taken against SA [REDACTED] as a result of his involvement in this shooting incident.

b6
b7C

Administrative: Reference report of former Inspector [REDACTED] dated 07/18/2011.

b6
b7C

Details: This communication was prepared to furnish the analysis, comments, and recommendations of the SIRG with reference to the captioned shooting.

Details of the Shooting Incident

On 02/03/2011, at 8:39 a.m., SA [REDACTED] telephonically requested the assistance of SA [REDACTED] with the surveillance and eventual arrest of [REDACTED] the subject of an arrest warrant for a state drug offense. SA [REDACTED] met with SA [REDACTED] and Milwaukee Police Department (MPD) Task Force Officer (TFO) [REDACTED] who

b6
b7C

UNCLASSIFIED

To: Inspection From: Inspection
Re: 297-HQ-A1271749-D, 07/19/2012

were all members of the High Intensity Drug Trafficking Area/Drug Task Force (HIDTA). The Agents and TFO [redacted] planned to conduct a "traffic stop" to arrest [redacted]. Although no written Operations Plan existed, the participants decided TFO [redacted] would initiate the stop of the subject's vehicle, and SA [redacted] would "box in" the vehicle from the front to prevent the subject's escape.

b6
b7C

At approximately 9:15 a.m., on 02/03/2011, SAs [redacted] and [redacted] along with TFO [redacted] initiated a surveillance of [redacted] at a residence in [redacted]. At approximately 12:00 p.m., SA [redacted] observed the subject exit his residence and enter a green minivan. As the three law enforcement vehicles followed the subject, TFO [redacted] radioed the Agents that he observed [redacted] lean over toward the right side floor board of his vehicle causing SA [redacted] to believe he was hiding drugs or reaching for a weapon.

b6
b7C

TFO [redacted] activated his emergency lights and [redacted] immediately pulled over to the right side of the street. TFO [redacted] pulled within approximately eight feet behind [redacted] minivan and SA [redacted] vehicle was approximately eight feet behind [redacted]. SA [redacted] pulled in front of the subject vehicle to prevent his escape, quickly exited, and walked toward TFO [redacted]. SA [redacted] exited his vehicle and took a position near the rear left corner of his vehicle. As SA [redacted] walked toward the front of the subject vehicle with his weapon drawn, he shouted, "Police, shut off the vehicle, hands, hands." TFO [redacted] ordered [redacted] to exit his vehicle several times; however, [redacted] refused to comply. TFO [redacted] advised [redacted] he was under arrest. SA [redacted] heard TFO [redacted] shouting commands for [redacted] to exit the vehicle, and the subject reply, "No I'm not going to get out," and saw [redacted] rolling up his window.

b6
b7C

[redacted] abruptly shifted his vehicle into reverse, shifted into drive, and aggressively proceeded forward toward SA [redacted]. As the subject vehicle approached closer, SA [redacted] braced himself against the hood with his left hand as the front right bumper hit his right shin and slightly spun him. SA [redacted] planted his feet and fired one round which penetrated the glass of the front passenger side window. [redacted] fled the scene.

b6
b7C

Law enforcement personnel briefly pursued [redacted] however, lost sight of him in traffic. The pursuit was discontinued and the three law enforcement officers returned to secure the scene. SA [redacted] and TFO [redacted] notified their FBI and HIDTA supervisors of the shooting incident by cell phone.

b6
b7C

UNCLASSIFIED

To: Inspection From: Inspection
Re: 297-HQ-A1271749-D, 07/19/2012

Within hours, [redacted] was arrested by an FBI Agent and MPD officers assigned to the HIDTA Task Force. Investigators determined SA [redacted] discharged round struck [redacted] right thumb.

b6
b7C

On 04/20/2011, [redacted] Milwaukee County District Attorney, opined SA [redacted] "responded to a lethal threat with an appropriate and justifiable use of force, and that the use of force was privileged as self defense and defense of others."

b6
b7C

On 05/18/2011, [redacted] United States Department of Justice, Civil Rights Division, advised the facts do not warrant a federal investigation as a potential willful use of unreasonable deadly force.

b6
b7C

On 05/22/2012, the SIRG met to discuss the above-captioned shooting incident. Deputy Assistant Director Cory B. Nelson, Inspection Division (INSD), chaired the meeting and was a non-voting member. The following voting members were in attendance: [redacted] Trial Attorney, Civil Rights Division, USDOJ; [redacted] Trial Attorney, Criminal Division, USDOJ; Section Chief (SC) Jayne L. Challman, Violent Criminal Threat Section, Criminal Investigative Division; Unit Chief (UC) [redacted] Practical Applications Unit (PAU), Training Division (TD); UC [redacted] Firearms Training Unit, TD; UC [redacted] Special Weapons and Tactics Operations Unit, Critical Incident Response Group; UC [redacted] Defensive Systems Unit, TD; UC [redacted] Investigative Law Unit, Office of General Counsel (OGC); SSA [redacted] Evidence Response Team Unit, Laboratory Division (LD); and SSA [redacted] CR-2, Washington Field Office. The following non-voting members were also in attendance: Inspectors Robert J. Shields, Jr., and Deirdre L. Fike, Office of Inspections (OI), INSD; Special Assistant [redacted] INSD; Team Leader [redacted] OI, INSD; SSA [redacted] PAU, TD; Management and Program Analysts (MPAs) [redacted] and [redacted] Inspection Management Unit (IMU), Strategic Analysis Section (SAS), INSD.

b6
b7C

Observations and Recommendations of the SIRG

The SIRG reviewed the above synopsis incident with the intent to: (1) evaluate the application of deadly force; (2) provide the Director with an evaluative analysis, observations, and recommendations for corrective actions from an operational standpoint (if any); (3) provide recommendations

UNCLASSIFIED

To: Inspection From: Inspection
Re: 297-HQ-A1271749-D, 07/19/2012

concerning training and/or safety issues; and (4) provide recommendations for administrative action if deemed necessary.

SIRG members unanimously agreed that the use of deadly force by SA [REDACTED] was justified and in conformance with the FBI's deadly force policy. This discussion resulted in the recommendation that no administrative action be taken against SA [REDACTED] as a result of his involvement in this shooting incident.

b6
b7C

SIRG members unanimously adopted the following observations made by the Shooting Incident Review Team:

OBSERVATION #1:

SA [REDACTED] did not prepare a written operations plan for the surveillance and arrest of the subject.

b6
b7C

A written operations plan was not prepared for the surveillance and arrest of the subject, who had a conviction for carrying a concealed weapon and demonstrated reluctance to cooperate with law enforcement as a source in the past. The plan was finalized and verbally briefed within an approximated 36 to 51 minute window from the time SA [REDACTED] contacted SA [REDACTED] on 02/03/2011, at 8:39 a.m., to request his participation in the operation, and the initiation of surveillance at the subject's residence between 9:15-9:30 a.m. There were no exigent circumstances which precluded appropriate preparation of an operation plan.

b6
b7C

Corporate Policy Notice 0242N, Requirement for Written Operations Order - Field Operations, dated 07/15/2010, states, in part:

8. Policy Statement:

8.1 The necessity to have clear, concise, and complete operational plans, in the form of operations orders, is essential to successful arrest and search operations and any other activity in which the practical application of firearms might be reasonably anticipated. Operations orders are the vehicle through which the Case Agent's and/or On-Scene Commander's strategy is reduced to a tactical directive. Their most important function is to ensure success. By standardizing format, the chance for omission of essential data is eliminated thus providing subordinate elements with the complete picture for mission completion.

UNCLASSIFIED

To: Inspection From: Inspection
Re: 297-HQ-A1271749-D, 07/19/2012

8.2 Written Operations Orders: Absent exigent circumstances, written operations orders will be prepared prior to conducting arrest and search operations and any other activity in which the practical application of firearms might be reasonably anticipated.

8.3 Exigent Circumstances: Exigent circumstances may necessitate an oral briefing in lieu of the written operations order.

13. Definitions:

13.1 Exigent circumstances: Generally, an emergency, a pressing necessity requiring immediate action.

9. Roles and Responsibilities:

9.1. Case Agent

9.1.1 Responsible for preparing the operations order

9.1.2 Responsible for briefing the operations order

9.2. Substantive Squad Supervisor

9.2.1 GS-14 Supervisory Special Agent responsible for reviewing the operations order

Instruction #1:

That SAC, Milwaukee ensure Milwaukee personnel comply with the above Corporate Policy Notice.

OBSERVATION #2:

SA [] executed a vehicle block in a manner inconsistent with FBI tactics.

b6
b7C

TFO [] activated his emergency lights to initiate a vehicle stop of [] vehicle. [] immediately pulled over toward the snow bank on the right side of the street. TFO [] pulled within approximately eight feet behind [] minivan. SA [] pulled in front of and in alignment with [] vehicle. SA [] backed up and parked within one foot of [] front bumper to "box in" [] vehicle, in order to prevent him from fleeing. SA [] quickly exited his vehicle and stood by the rear of his own vehicle, while TFO [] addressed [] through the driver's window. Once [] decided not to cooperate with TFO [] verbal commands, the positioning of SA []

UNCLASSIFIED

To: Inspection From: Inspection
Re: 297-HQ-A1271749-D, 07/19/2012

vehicle, along with the eight feet between [redacted] rear bumper and TFO [redacted] front bumper, afforded [redacted] room to maneuver to flee.

b6
b7C

b7E

Instruction #2:

That SAC, Milwaukee ensure Agent personnel receive additional training in vehicle stop and vehicle block techniques, consistent with FBI tactics. Task force personnel should be afforded the opportunity to observe FBI tactics to improve interoperability.

OBSERVATION #3:

SA [redacted] did not wear his issued ballistic vest during the operation as mandated by Bureau policy.

b6
b7C

After the initial stop of [redacted] vehicle by TFO [redacted] and SA [redacted] maneuvering to block [redacted] vehicle, SA [redacted] stopped approximately eight feet behind TFO [redacted] vehicle. SA [redacted] exited his vehicle, took a position near the rear left corner of his own vehicle, and remained there until [redacted] fled the scene. SA [redacted] was not wearing his ballistic vest; the vest remained on the front seat of SA [redacted] vehicle. [redacted] had a conviction for carrying a concealed weapon and made movements while being stopped, which caused TFO [redacted] to believe he may have been reaching for a weapon. TFO [redacted] immediately announced [redacted] movement on the HIDTA radio to all participants.

UNCLASSIFIED

To: Inspection From: Inspection
Re: 297-HQ-A1271749-D, 07/19/2012

The issued ballistic vest can be reconfigured to support surveillance operations by removing the ballistic panels and wearing them in the issued concealment carrier. The outer tactical carrier with FBI markings can be donned over clothing to facilitate identification as law enforcement during the transition from covert to overt activity.

The MIOG, Section 12-13.1 states, in part:

"Wearing of body armor by SA personnel is mandatory during planned arrests, execution of search warrants and surveillances which can reasonably be expected to culminate in a confrontation with armed and dangerous subject(s)."

Instruction #3:

That SAC, Milwaukee ensure all division personnel comply with the above MIOG requirement.

UNCLASSIFIED

To: Inspection From: Inspection
Re: 297-HQ-A1271749-D, 07/19/2012

LEAD(s) :

Set Lead 1: (Action)

INSPECTION

AT WASHINGTON, D.C.

[redacted] That no administrative action be taken against SA [redacted]
[redacted] as a result of his involvement in this shooting
incident.

b6
b7C

1 - Mr. Joyce, Room 7142
1 - Mr. Perkins, Room 7142
1 - Mr. Weissmann, Room 7427
1 - [redacted] USDOJ
1 - [redacted] USDOJ
1 - Ms. Challman, Room 3246
1 - [redacted] Quantico
1 - [redacted] Quantico
1 - [redacted] Laboratory
1 - [redacted] Quantico
1 - [redacted] WFO
1 - [redacted] Room [redacted]
1 - (Attention: [redacted])
1 - [redacted] CIRG
1 - [redacted] Room [redacted]
♦♦

b6
b7C

UNCLASSIFIED